

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
SEPTEMBER 1, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. She noted the passing of former Chairman and 10 year veteran of the Planning & Zoning Commission William Flanagan. She said that he passed away in August and he had served the Town well in years past, and the Town appreciates his service.

Chairman Cameron read the first agenda item:

GENERAL MEETING

By Order dated November 19, 2014 in the matter of *Christopher & Margaret Stefanoni v. The Darien Planning and Zoning Commission* – Docket No.: HHB-CV-11-5015368S (the “Appeal”), and the related case of *Gregory v. Darien Planning and Zoning Commission* Docket No.: CV-13-6023798S Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for an amendment to the Commission’s October 29, 2013 resolution to specify an approved number of units or a range of numbers of units, based on the record. The legal notice for the original application read as follows:

Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities.

(NOTE: This agenda item will be postponed to September 8, since a quorum will not be present for this one item).

Chairman Cameron noted that there were not enough Commission members to have a quorum regarding this matter. It will need to be on the agenda for the following meeting on September 8, 2015.

Chairman Cameron read the following agenda item:

Amendment of Special Permit Application #22-P/Site Plan, Coastal Site Plan Review #27-E, Flood Damage Prevention Application #20-E, Land Filling & Regrading Application #325, Tokeneke Club, Inc., 4 Tokeneke Beach Drive/Butler’s Island Road. Proposal to add transformer platform and modify deck near tennis area.

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Chairman Cameron noted that this matter has been continued to October 6, 2015.

Chairman Cameron read the following agenda item:

Business Site Plan #242-A(2)/Special Permit, Robert L. Mazza d/b/a Sugar Bowl, 1033 Boston Post Road. Proposing to establish outdoor dining in front of the existing building (adjacent to Boston Post Road), with benches and potted plants on the side of the building facing Brook Street.

Commission members noted that the previous outdoor seating approval had been granted in 2012 and was for 3 years. It includes the planters and the seating on the outside of the building. There were no comments from the Department of Public Works or Health Department on this proposal. Mr. Ginsberg said that he understands that the Board of Selectman are in support of the continuation of the tables and chairs on the front sidewalk and that he knew of no issues or complaints. Commission members said it is key to make sure that the tables and chairs are tight against the building rather than sprawling into other portions of the sidewalk. After some discussion, the following motion was made: That the Planning & Zoning Commission grant a three year approval/extension so that the outside planters and tables and chairs can continue in accordance with the past approvals until September 1, 2018. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron read the following agenda item:

Deliberation and possible decision on the following:

Amendment of Special Permit Application #47-C(2), Darien Community Association, 274 Middlesex Road. Proposal to amend its existing Special Permit to reflect an updated list of programs and activities, and to modify hours of operation. *DECISION DEADLINE: 9/30/2015.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Commission members reviewed the draft resolution and agreed that the requested modifications were acceptable. There already is a schedule in place of routine and special events and the requested modifications would allow for three Sunday evenings per year when there is a Monday holiday. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved. The adopted resolution reads as follows:

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ADOPTED RESOLUTION
September 1, 2015**

Application Number: Amendment of Special Permit Application #47-C(2)

Street Address: 274 Middlesex Road
Assessor's Map #20 Lot #42

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Name and Address of Property Owner: Darien Community Association (DCA)
And Applicant 274 Middlesex Road
Darien, CT 06820

Name and Address of Applicant's Representative: D. Bruce Hill, Esq.
Law Office of Bruce Hill, LLC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to amend its existing Special Permit to reflect an updated list of programs and activities, and to modify hours of operation.

Property Location: The subject property is located on Middlesex Road, directly south of its intersection with Holly Lane.

Zone: R-1 Zone

Date of Public Hearing: July 28, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: June 17 & 24, 2015

Newspaper: Darien News-Review

Date of Action: September 1, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 11, 2015

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted application materials, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The property is in a residential zone and the Darien Community Association (DCA) activities are a Special Permit use allowed by the Section 404d of the Darien Zoning Regulations. The subject application is to amend its existing Special Permit to reflect an updated list of programs and activities, and to modify hours of operation.
2. Specifically regarding hours of operation, the DCA is asking to have slightly later hours allowed on New Year's Eve (to allow an event until 1:00 a.m. with the premises to be vacated by 2 p.m.). Also, the request includes additional hours on three Sunday evenings that are holiday weekends—the day before Memorial Day, Labor Day, and Columbus Day. This would allow event rentals to run until 1:00 a.m. on those three days rather than until 10:00 p.m. The programs and activities are consistent with, and similar to, programs provided by the DCA currently, and in the recent past.
3. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
4. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Amendment of Special Permit Application #47-C(2) is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All other conditions, stipulations, and requirements of all prior Special Permits, unless superseded herein, shall remain in full force and effect.
- B. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- C. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #356, LTB Properties, LLC, 74 Brookside Road. Proposing to fill and regrade in association with the construction of a replacement residence and new driveway and to perform related site development activities. *DECISION DEADLINE: 9/30/2015.*

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Commission members reviewed the draft resolution and discussed the project. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved. The adopted resolution reads as follows:

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ADOPTED RESOLUTION
September 1, 2015**

Application Number: Land Filling & Regrading Application #356

Street Address: 74 Brookside Road
Assessor's Map #14 Lot #26

Name and Address of Applicant & Property Owner: Scott Church
LTB Properties, LLC
13 South Street, 3R
Norwalk, CT 06854

Activity Being Applied For: Proposing to fill and regrade in association with the construction of a replacement residence and new driveway and to perform related site development activities.

Property Location: The subject property is situated on the east side of Brookside Road, approximately 100 feet north of its intersection with Bates Farm Lane.

Zone: R-1/2

Date of Public Hearing: June 23, 2015 continued to July 28, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 12 & 19, 2015

June 26 & July 3, 2015

Newspaper: Darien News

Date of Action: September 1, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
September 11, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is

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contained in the record of the public hearing, all of which material is incorporated by reference.

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to fill and regrade in association with the construction of a replacement residence and new driveway and to perform related site development activities. The proposed residence will connect to public water and sewer.
2. The Darien Zoning Board of Appeals granted a variance for the replacement residence as part of ZBA Calendar #35-2015 on July 15, 2015. That approval is hereby incorporated by reference.
3. At the public hearing, the applicant explained the proposal to the Commission. The new driveway will be generally along the south property line, and a 24 foot wide backup from the garage has been included. The existing shared driveway along the north property line will remain, and the neighbor to the north will continue to use it. Part of the asphalt on the subject property which does not affect the north side driveway access may be removed as part of this project.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #356 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, excavation and regrading work and stormwater management shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Site Improvement Plan, LTB Properties, LLC, by Grumman Engineering, LLC, dated 5-7-15, last revised 5-20-15, Sheet 1 of 1.
 - Zoning/Location Survey Map of Property prepared for LTB Properties LLC, 74 Brookside Road, by Walter H. Skidd-Land Surveyor LLC, scale 1"=20', dated March 31, 2015 and received June 2, 2015.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted plans listed in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff

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will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- C. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. A Drainage Report from Grumman Engineering, LLC was submitted to the Planning and Zoning Office as part of this application. A drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records or with the Planning and Zoning Commission file on this matter. The maintenance plan shall require the property owner and all subsequent property owners of 74 Brookside Road to maintain the drainage facilities per the maintenance plan.
- E. A related "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed replacement house.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Throughout the development of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street.
- G. Prior to the request for the Certificate of Occupancy (CO) for the new house, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above. This is also a condition of the Zoning Board of Appeals approval.
- H. Once the project is complete, and prior to the issuance of a Certificate of Occupancy for the new house, the applicant shall submit a final certification from the land surveyor, that all excavation, filling and grading work has been properly completed in accordance with the approved plans.
- I. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A Demolition Permit is required from the Building Department. A Sewer Connection Permit from Darien Sewer Services is required. Any oil tank removal requires review and coordination with the Fire Marshal.
- J. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a Demolition Permit, a Sewer Disconnect Permit, and Zoning and Building Permits.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

- L. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 1, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the issuance of a Zoning and Building Permit for the replacement house.

Chairman Cameron read the following agenda item:

Amendment of Land Filling & Regrading Application #53-D, Darien Athletic Foundation, Darien High School, 80 High School Lane. Proposing to modify previous approval to allow construction of bleachers at the west side of the middle athletic field in the “oval” and to perform related site development activities. *DECISION DEADLINE: 9/30/2015.*

Commission members reviewed the draft resolution and made several corrections and clarifications. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 1, 2015**

Application Number: Amendment of Land Filling and Regrading Application #53-D

Street Address: 80 High School Lane
Assessor’s Map #9, Lots #80, #81

Name and Address of Applicant: Jennifer Montanaro
 Darien Athletic Foundation
 c/o 17 Old King’s Highway South
 Darien, CT 06820

Name and Address of Property Owner: Darien Public Schools
 35 Leroy Avenue
 Darien, CT 06820

Name and Address of Neil Hauck, AIA
Applicant’s Representative: Neil Hauck Architects

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859 Boston Post Road
Darien, CT 06820

Activity Being Applied for: Proposing to modify previous approval to allow construction of bleachers at the west side of the middle athletic field in the “oval” and to perform related site development activities.

Property Location: The subject property is located on the north side of High School Lane approximately 1200 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: July 28, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 17 & 24, 2015

Newspaper: Darien News-Review

Date of Action: September 1, 2015

Action: APPROVED WITH
CONDITIONS

Scheduled Date of Publication of Action:
September 11, 2015

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application materials, and the statements of the applicant’s engineer whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to modify previous approval to allow construction of bleachers at the west side of the middle athletic field in the “oval” and to perform related site development activities. The previously approved plans included two sets of 21-foot wide aluminum bleachers on the west side of the field, with concrete beneath the bleachers. The current proposal is for a seat wall system to be recessed into the slope.

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2. At the public hearing, professional engineer Joe Canas explained that the application is to change the type and style of bleachers previously approved in this location by the Commission. He presented a photograph of a similar style bleacher constructed of brick and concrete constructed elsewhere. It was noted that the Commission's previous approval of bleachers in this location was bleachers made of aluminum. Thus, the proposal is to change the surface material of the bleachers.
3. At the public hearing, Mr. Canas confirmed that this application does not change usage of the site, which will be continue to be managed by the Board of Education. The style, color, or materials of the bleachers does not affect use of the property. Based on these representations, the Planning and Zoning Commission determined that a traffic study or report was not required for this application.
4. The location and nature of the proposed activities are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or materially impair the value thereof.
5. The Commission is satisfied that proper provision has been made to control: ground stability, including the prevention of soil erosion and earth slides; storm water runoff; pollution, siltation, stream erosion; flying dust and erosion by wind; conservation of the fertility of existing topsoil; and the preservation of significant trees, vegetation and other natural resources.
6. The elements of the Site Plan as revised accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
7. The design, location, and specific details of the proposed grading, excavation and earth removal activities will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Amendment of Land Filling & Regrading Application #53-D is hereby approved with the foregoing and following stipulations, modifications and understandings:

- A. Construction of the bleachers shall be in accordance with the following plans submitted to and reviewed by the Planning & Zoning Commission:
 - Middle Oval Grandstand Details-1, Darien High School Turf Field Expansion Darien Athletic Foundation by Tighe & Bond, dated September 26, 2014 and last revised 6/09/15, Sheet C8.50.
 - Site Plan Oval Fields, Darien High School Turf Field Expansion Darien Athletic Foundation by Tighe & Bond, dated November 30, 2013, Sheet C5.10. This sheet supersedes the following, which was part of the prior Planning & Zoning Commission approval:

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- *Site Plan Oval Fields, Darien High School Turf Field Expansion Darien Athletic Foundation by Tighe & Bond, dated April 30, 2013, Sheet C4.10.(this plan shows two sets of 21' aluminum bleachers).*
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions, including the tree protection filling as mentioned above. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- E. A final “as-built” survey is hereby required to certify that the site development and regrading are all in compliance with the approved plans. A Professional Engineer shall certify in writing prior to the issuance of a Certificate of Zoning Compliance, that the work has been properly completed in accordance with the approved plans.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (September 1, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

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Chairman Cameron read the following agenda item:

Deliberation only regarding:

Coastal Site Plan Review #302-A, Land Filling & Regrading Application #352, David & Rhonda Sherwood, 245 Long Neck Point Road. Proposing to construct a pool, spa, patio, and pool cabana; install associated stormwater management; and to perform related site development activities within a regulated area. *DECISION DEADLINE: 9/30/2015.*

Chairman Cameron said that the subdivision map indicates the extent of the buildable area and it is clear that the proposed construction would exceed those limitations. She said that other lots in the same subdivision have similar building restrictions that were established as a 100 foot line from Mean High Water as measured at that time. Mr. DiDonna said that at the time of the subdivision, the area within 100 feet of Mean High Water was regulated and the subdivision map clearly limits the buildable area on the property. He said that he does not agree with the claims that the applicant's representative made regarding the merger of the Open Space parcel and the building lot. Mr. Voigt said that the pool could be turned so that it is within the buildable area and would also happen to be outside the current Coastal Area Management (CAM) 100 foot critical area. Mr. Olvany said that the proposed building extends beyond the buildable area shown on the filed and still valid subdivision map. He said the pool and cabana both need to be relocated. Mr. Ginsberg said that he would draft a resolution for consideration by the Commission later in the month.

Chairman Cameron read the following agenda item:

Approval of Minutes

July 7, 2015 Public Hearing/General Meeting

July 14, 2015 General Meeting/Public Hearing

July 21, 2015 General Meeting/Public Hearing

July 28, 2015 General Meeting/Public Hearing

Commission members agreed to handle the approval of minutes later in the meeting.

At about 8:30 P.M., Chairman Cameron opened the Public Hearing and read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling, Excavation, & Regrading Application #360, Sumeet Uppal & Diksha Bajaj, 33 Hollow Tree Ridge Road. Proposal to obtain "after the fact" permits for construction of patios, retaining walls, and associated cutting, filling and regrading, and to perform related site development activities. The subject property is situated on the west side of Hollow Tree Ridge Road, approximately 900 feet north of its intersection with Boston Post Road and is shown on Assessor's Map #47 as Lot #127, in the R-1/3 Zone. *HEARING OPENED 7/28/2015. DEADLINE TO CLOSE HEARING IS SEPTEMBER 1, 2015 UNLESS EXTENSION IS GRANTED BY APPLICANT.*

Tessa Jucaite, Professional Engineer, represented the applicant and submitted revised plans to address the issues that had been discussed at the last meeting. She said that some of the stairs need to be

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rebuilt and retaining walls need to be reinforced. She said that plans also include a proposed privacy fence along the side and rear property lines. In response to a question, Mr. Ginsberg said that a six foot high privacy fence is allowed by the Zoning Regulations in the side and rear yards. Ms. Jucaite said that much of the debris from the previous work has been removed from the site.

Mr. Ginsberg said that the letter from the neighbor had been received and circulated to Commission members and the applicant. It refers to the clearing of trees and the need to address stormwater runoff. He said that Section 355 of the Regulations allows stairs to extend no more than three feet into the setback requirements. There was a question about the two trees that are marked in white near the property boundary and Ms. Jucaite said that the proposed fence in that area would go on the inside of the property and not affect those trees. The applicant said that some of the trees and bushes were cleared away from the property as an attempt to clean up the site. Ms. Jucaite said that stormwater will be collected from the patio and directed into the rain garden. In response to questions, Mr. Ginsberg said that if the swing set has a permanent roof or has a large platform then it needs permits and it needs to comply with setback requirements. If it is just play equipment then there are no setbacks and no permits needed.

There were no comments from the public regarding the revised plan and application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

At about 8:40 P.M., Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #361, Kevin & Elizabeth Murphy, 267 Brookside Road.

Proposing to shift the existing driveway to the south, in order to improve sight lines and reduce the steepness of the driveway, and to perform related site development activities. The subject property is located on the west side of Brookside Road approximately 750 feet north of its intersection of Three Wells Lane, and is shown on Assessor's Map #5 as Lot #18 in the R-2 Zone.

Doug DiVesta, Professional Engineer, represented the applicant and explained that the project involved relocating the old driveway and creating a new driveway on the southerly portion of the property. In order to accomplish this, some filling and regrading has taken place within 15 feet of the property line. He said that the old driveway had a 10-12% slope near Brookside Road. The relocated driveway and the fill for that driveway have made a much less steep driveway and it is therefore much safer. He said that the revised driveway is longer and therefore creates 3,900-4,400 square feet of new impervious area. It was acknowledged that this is an "after-the-fact" application.

Mr. DiVesta submitted a letter of support from a neighboring property owner at 275 Brookside Road. He said that there was verbal support from neighbors to the south. He showed the Commission members the Town's topographic map from 2008 and compared that to the new topographic map that he has created. The new topographic map reflects the current grades that have been accomplished due to the filling and regrading. He acknowledged that the permit should have been obtained before the driveway was relocated but he was not involved in the project at that time. He said that General Contractor Jeff Scalise was working on the house and that the property owners hired a different contractor to do the site work. When it was discovered that the filling and regrading needed a Special Permit, the applicant has acted quickly to stabilize the fill and to submit the application to the

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Commission. Mr. Olvany said that if the application to fill and regrade is denied then the area must be restored to its previous condition.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

At about 8:45 P.M., Chairman Cameron read the following agenda item:

Special Permit Application #15-N/Site Plan, Land Filling & Regrading Application #44-B, Wee Burn Country Club, 410 Hollow Tree Ridge Road. Proposal to: incorporate 480 and 490 Hollow Tree Ridge Road into the site; improve and expand the driving range and practice area; expand on-site parking; and perform related site development activities. The subject property is situated on the east side of Hollow Tree Ridge Road, approximately 400 feet north of its intersection with Hanson Road and is shown on Assessor's Map #7 as Lots #62, #63, #64, and #66, in the R-2 Zone.

Chairman Cameron said that she has done bookkeeping for Mr. Orchulli, the owner of the condominium that is located adjacent to the Country Club but she did not see that as a conflict of interest. She would listen to and decide upon the application impartially and objectively. She asked if there was any objection from any of the parties involved. No one objected to her participation in this matter.

Attorney Bruce Hill represented the applicant and said that there is no objection from his client regarding Ms. Cameron's participation. He reviewed the survey of the existing site conditions and noted that there are several properties involved in the application. The property known as 410 Hollow Tree Ridge Road is part of the Club and is utilized as such. The property known as 480 Hollow Tree Ridge Road is a lot adjacent to the Club and it is owned by the Club but it is not now part of the existing Special Permit for the Club. An additional parcel known as 490 Hollow Tree Ridge Road is a separate building lot and is located adjacent to the Club and owned by the Club and it too is not part of the existing Special Permit for the Club. Attorney Hill said that the plan is to remove the existing house at 480 Hollow Tree Ridge Road and one of the curb cuts from Hollow Tree Ridge Road into that site will be eliminated. A 72 space parking lot will be constructed for use by Club members and for Club activities. One driveway from 480 Hollow Tree Ridge Road will become an emergency egress from the parking lot to the street. The practice driving range will be expanded and extended and 40 foot high safety netting will be placed on the easterly side of the proposed parking lot (and the westerly side of the driving range) and will protect vehicles and persons in the parking lot and in the Hollow Tree Ridge Road from stray golf balls. He said that the netting is proposed approximately 200 feet from Hollow Tree Ridge Road. He said that the existing swimming pool and adjacent patio at 490 Hollow Tree Ridge Road will be removed but the house at that location will remain. In response to questions, he said that the current netting around portions of the practice driving range are as much as 50 feet tall.

Tom Marzoff represented Wee Burn Country Club and said that the existing practice driving range is short and needs to be revised. To do this, they will revise the bag drop off area and create a new pedestrian sidewalk near the pro shop. Additional golf cart parking area will be created in the vicinity

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of the clubhouse. He said that the driving range will be reconfigured and lengthened. He said most golfers are right handed and if they miss a practice shot, it tends to go to the right (away from Hollow Tree Ridge Road and more towards the center of the existing golf club). He said that an evergreen barrier of trees will be planted between the street and the parking lot and that landscaped area will be approximately 50 feet wide. Then there will be tall plantings on both sides of the safety net, which will be located between the proposed new parking lot and the driving range. He said that the support poles and netting are both a flat black material and are not very noticeable. The net height will be 40 feet tall. The existing driving range is approximately 240 yards long. The new practice driving range will be 300 yards long. He said that the net will be about 270 yards from the practice tees.

Mr. Marzoff said that the new practice driving range is designed so that good golfers will aim at various portions of the range at various distances from the tees.

Mr. Voigt expressed concern about the visual impact of 40 foot tall poles and netting. Mr. Marzoff said that the support poles are approximately 30 inches in diameter at the base and extend up approximately 40 feet in height. They are painted "flat black" and will be difficult to see due to the 500 foot wide buffer along Hollow Tree Ridge Road and the added trees that will create a green wall rather than a highly visible net.

In response to questions, Attorney Hill said that there are approximately eight on-site parking spaces that will be lost due to the reconfiguration and 72 new spaces will be added. Therefore there will be a net gain of 64 paved parking spaces. In addition to that, there is overflow parking at the north edge of the new parking lot. This overflow parking will be used in unusual circumstances when there are many guests at the Club. The northerly curb cut of the new parking area will be gated so that it would be used as an emergency egress.

Bill Kenny, Landscape Architect, represented the Wee Burn Country Club and presented detailed plans of the buffer area adjacent to Hollow Tree Ridge Road. He said many invasive plants in this area need to be removed and many new plants will be installed. They are proposing three layers of landscaping, including the lawn area and low stone wall adjacent to the road. This area also has some trees which will remain; a heavy buffer of diverse species. These trees will be 40 – 100 feet tall at maturity. The plan is to supplement the existing woodland meadow with additional plants. The third layer is the planting immediately adjacent to the netting. Mr. Kenny said that if any ball does go over the net, the buffer planting will likely stop that ball long before it reaches the street. The landscaping installation and maintenance will be handled by the Club which is adept at facilitating the growth of landscaping. Attorney Hill said that the Club has earned Audubon Certification for excellent property management. He submitted a copy of that certification. Mr. Kenny said that there are also landscaping along the parking lot that would be three to four foot tall shrubs and some tall shade trees. He said that most gaps along the stonewall will be filled in with landscaping.

Craig Flaherty, Profession Engineer from Redniss & Mead, said that one of the plans is to use porous asphalt as the hard surface for the parking area. Approximately 25,000 square feet of new landscaped area will be added and approximately 42,000 square feet of new porous asphalt parking spaces will be added. Utilizing porous asphalt allows stormwater to drain through it and into the ground, rather than running off of the parking area and having to be collected and managed elsewhere. He acknowledged that all of the drainage eventually goes towards Stony Brook but it is better to have it soak into the ground at the parking lot location so that it more effectively manages the peak runoff and the volume

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of that runoff as well as the water quality. He said that the Club will maintain the special asphalt material so that it remains porous long into the future. Mr. Flaherty described the drainage areas and noted that there would be no change to the drainage pattern.

In response to questions, it was noted that a few hundred trees need to be removed in order to create the parking area and the expanded golf driving range. Ninety new trees will be planted in the buffer area and 75 large shrubs will be planted. In all, approximately 303 new trees and large shrubs will be planted in accordance with the Fazio design plan.

Rachel Calemo of Christian Rae Studio reviewed the lighting plan and said that they will use three foot tall lighting bollards on the interior parking lot and 12 foot high light poles on the street side of the parking lot. By having the poles on the street side of the parking lot they will shine in toward the site rather than shining toward the neighbors. The fixtures on the poles will also have light cut off structures to minimize or eliminate any light spillage toward Hollow Tree Ridge Road or the neighbors. It was noted that there are some 12 foot poles along the existing parking lot and that they will be converted to LED lights, which are recessed into the fixtures.

Jack Orchulli of 446 Hollow Tree Ridge Road said that he is a long time neighbor of the Country Club and he is very concerned about the light glare from the new parking lot and the new light fixtures. He said his bedroom and deck face north and therefore face the new light poles. He is very concerned about a glowing effect even if he cannot see the light bulb within the light fixture. Mr. Orchulli also expressed concern about the sound that could adversely affect his property. He said that his residence is approximately 140 feet from the practice driving stalls and he hears the noise as people practice. He said that the new layout would result in the driving stalls being only 80 feet from his residence. He expressed concern about traffic flow for the 112 parking spaces and recommended that the Commission require the elimination of 22 parking space closest to the neighboring properties. He said that the golf cart parking area would be close to his residence and said that when the golf carts back-up they make a loud beeping noise.

Mr. Orchulli said that the north exit from the parking area should always be in use as an exit driveway rather than have everyone use the exit at the south portion of the parking lot which is adjacent to his property. He said that he is generally not opposed to the Club project and certainly wants to have a productive conversation with the Club but does not want a noisier and busier activity area close to his residential property because it would lower his property value.

Mr. Jim Fulton of 6 Nolen Lane said that he moved to Darien in 1961 and that he and his neighbors like to bike and walk along Hollow Tree Ridge Road, which is scenic. He said that they do not want to see tall poles or 40 foot high netting. He said that it is good to have the mixture of species in plants but also noted that the deciduous trees will be bare approximately six months each year. He said that the size of the trees at the time that they are planted is important and there needs to be a mix of evergreens and deciduous trees within the proposed buffer to protect people and Hollow Tree Ridge Road from seeing the poles and netting. Mr. Fulton said that every owner of property on Nolen Lane actually owns an undivided interest in the street and since that street is within 100 feet of the County Club property, each and every owner on Nolen Lane should have received notice under Section 8-8 of the CT General Statutes.

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John Wolcott of 1 Nolen Lane said that he is concerned that the additional parking would be for general use on a daily basis. He said that he wants a gate at the end of the parking lot and near the street to make sure that the new parking lot is not used on a routine basis but it is only used for special events for the Club when there are lots of people. He said that there's been no discussion on the use of the house at 490 Hollow Tree Ridge Road and whether it will be a dormitory or staff housing or some other use or activity.

Edward Schmidt of 3 Nolen Lane said he too is concerned about the use of the property at 490 Hollow Tree Ridge Road by anyone, when the net to protect it would be almost against the building. He said that the use of that building as a single-family residence would be okay but questioned whether it should actually be used. Mr. Schmidt said that a 40 foot high net on tall poles would seem, to him, to be visible from the street particularly during the winter. He expressed his concern about the 12 foot high light poles and suggested that the lights should be on timers so that they would not be on in the evening at any time other than when they are absolutely necessary. He also expressed concern about the emergency exit and how it might become used by a number of people for egress even when there is not an emergency.

Mr. Olvany questioned whether it would be possible to keep the proposed 72 space parking lot gated at both ends and only lit and only open for use when it is absolutely necessary.

Attorney Hill said that they are looking into the installation of timers on the lights and they are not yet willing to specify that the entire new parking lot be gated off because they anticipate that those spaces will be needed on a routine basis. He will check the past permits and approvals to see what limitations might have been imposed. Attorney Hill said that the house at 490 Hollow Tree Ridge Road has been approved as, and will continue to be, used as a single-family residence unless and until the Club returns to the Planning & Zoning Commission with a request to modify that use.

It was decided that it would be appropriate to continue the public hearing. Several potential dates were discussed and the following motion was made: That the Planning & Zoning Commission will continue public hearing on October 6, 2015 at 8pm in Darien Town Hall. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron then read the following agenda item:

Approval of Minutes

July 7, 2015 Public Hearing/General Meeting

Several clarifications were made and the motion was made to approve the corrected minutes was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

July 14, 2015 General Meeting/Public Hearing

Minutes were discussed and it was decided to act on them at a future meeting.

July 21, 2015 General Meeting/Public Hearing

Several clarifications and modifications were discussed and agreed upon. The motion to approve the correct minutes was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

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July 28, 2015 General Meeting/Public Hearing

Minutes were discussed and the motion to approve the minutes was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved. The meeting was adjourned at 10:35 P.M

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

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